

1 Nicole M. Norris (SBN 222785)
 2 WINSTON & STRAWN LLP
 3 101 California Street, Suite 3900
 4 San Francisco, CA 94111-5894
 5 Telephone: 415-591-1000
 6 Facsimile: 415-591-1400
 7 Email: nnorris@winston.com

8 James F. Hurst (*Admitted Pro Hac Vice*)
 9 David J. Doyle (*Admitted Pro Hac Vice*)
 10 Samuel S. Park (*Admitted Pro Hac Vice*)
 11 WINSTON & STRAWN LLP
 12 35 W. Wacker Drive
 13 Chicago, IL 60601-9703
 14 Telephone: 312-558-5600
 15 Facsimile: 312-558-5700
 16 Email: jhurst@winston.com; ddoyle@winston.com;
 17 spark@winston.com

18 Charles B. Klein (*Admitted Pro Hac Vice*)
 19 WINSTON & STRAWN LLP
 20 1700 K Street, N.W.
 21 Washington, D.C. 20007
 22 Telephone: 202-282-5000
 23 Facsimile: 202-282-5100
 24 Email: cklein@winston.com

25 Attorneys for Defendant
 26 ABBOTT LABORATORIES

27
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

28 SMITHKLINE BEECHAM CORPORATION,) **Case No. C 07-5702 CW**
 29 d/b/a GLAXOSMITHKLINE,)
 30 Plaintiff,) *Related Per November 19, 2007 Order to*
 31) *Case No. C 04-1511 CW*
 32 vs.)
 33 ABBOTT LABORATORIES,) **NOTICE OF CONTINUANCE OF**
 34) **HEARING ON ABBOTT'S MOTION FOR**
 35) **CERTIFICATION OF INTERLOCUTORY**
 36) **APPEAL PURSUANT TO 28 U.S.C.**
 37) **§ 1292(b)**
 38)
 39) Date: July 10, 2008
 40) Time: 2:00 p.m.
 41) Courtroom: 2 (4th Floor)
 42) Judge: Hon. Claudia Wilken
 43)
 44 [caption continues next page])

| | | |
|--|---|--|
| SAFEWAY INC.; WALGREEN CO.; THE KROGER CO.; NEW ALBERTSON'S, INC.; AMERICAN SALES COMPANY, INC.; and HEB GROCERY COMPANY, LP, |) | Case No. C 07-5470 CW <i>Related Per October 31, 2007 Order to Case No. C 04-1511 CW</i> |
| Plaintiffs, |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| vs. |) | Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2 (4th Floor) Judge: Hon. Claudia Wilken |
| ABBOTT LABORATORIES, |) | No. C 07-6120 CW <i>Related Per December 5, 2007 Order to Case No. C 04-1511 CW</i> |
| Defendant. |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| RITE AID CORPORATION; RITE AID HQTRS, CORP.; JCG (PJC) USA, LLC; MAXI DRUG, INC. d/b/a BROOKS PHARMACY; ECKERD CORPORATION; CVS PHARMACY, INC.; and CAREMARK, L.L.C., |) | Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2 (4th Floor) Judge: Hon. Claudia Wilken |
| Plaintiffs, |) | Case No. C 07-5985 CW <i>Related Per October 31, 2007 Order to Case No. C 04-1511 CW</i> |
| vs. |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| ABBOTT LABORATORIES, |) | Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2 (4th Floor) Judge: Hon. Claudia Wilken |
| Defendant. |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| MEIJER, INC. & MEIJER DISTRIBUTION, INC., on behalf of themselves and all others similarly situated, |) | Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2 (4th Floor) Judge: Hon. Claudia Wilken |
| Plaintiffs, |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| vs. |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| ABBOTT LABORATORIES, |) | Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2 (4th Floor) Judge: Hon. Claudia Wilken |
| Defendant. |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |
| [caption continues next page] |) | NOTICE OF CONTINUANCE OF HEARING ON ABBOTT'S MOTION FOR CERTIFICATION OF INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) |

1)
2) ROCHESTER DRUG CO-OPERATIVE, INC.,) **Case No. C 07-6010 CW**
3) on behalf of itself and all others similarly)
4) situated,) *Related Per October 31, 2007 Order to*
5) Plaintiffs,) *Case No. C 04-1511 CW*
6) vs.)
7) ABBOTT LABORATORIES,)
8) Defendant.)
9)
10)
11) LOUISIANA WHOLESALE DRUG)
12) COMPANY, INC., on behalf of itself and all)
13) others similarly situated,)
14) Plaintiffs,)
15) vs.)
16) ABBOTT LABORATORIES,)
17) Defendant.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

)
) **NOTICE OF CONTINUANCE OF**
) **HEARING ON ABBOTT'S MOTION FOR**
) **CERTIFICATION OF INTERLOCUTORY**
) **APPEAL PURSUANT TO 28 U.S.C.**
) **§ 1292(b)**

) Date: July 108, 2008
) Time: 2:00 p.m.
) Courtroom: 2 (4th Floor)
) Judge: Hon. Claudia Wilken

)
) **Case No. C 07-6118 CW**

)
) *Related Per October 31, 2007 Order to*
11) *Case No. C 04-1511 CW*
12)
13)
14)
15)
16)
17)
18)

)
) **NOTICE OF CONTINUANCE OF**
11) **HEARING ON ABBOTT'S MOTION FOR**
12) **CERTIFICATION OF INTERLOCUTORY**
13) **APPEAL PURSUANT TO 28 U.S.C.**
14) **§ 1292(b)**

) Date: July 10, 2008
15) Time: 2:00 p.m.
16) Courtroom: 2 (4th Floor)
17) Judge: Hon. Claudia Wilken
18)

NOTICE OF CONTINUANCE

Pursuant to Local Rule 7-7(a), Abbott Laboratories files this Notice of Continuance of Hearing on Abbott Laboratories' Motion for Certification of Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) filed June 3, 2008.

PLEASE TAKE NOTICE THAT on July 10, 2008 at 2:00 p.m., or as soon thereafter as the matter may be heard in Courtroom 2, before the Honorable Claudia Wilken, in the United States District Court for the Northern District of California, Oakland Division, defendant Abbott Laboratories will move this Court pursuant to 28 U.S.C. § 1292(b) to amend its April 11, 2008, Order and certify for interlocutory appeal a question of law concerning the proper application of *Cascade Health Solutions v. Peacehealth*, 515 F.3d 883 (9th Cir. 2008), in these cases. Abbott originally noticed the hearing on its motion to certify an interlocutory appeal for July 8, 2008. Per the Court's instruction that the hearing be set for a Thursday, Abbott is continuing the hearing on that motion to Thursday, July 10, 2008 at the above-stated time and location.

Dated: June 4, 2008

WINSTON & STRAWN LLP

By: /s/ Nicole M. Norris

Nicole M. Norris
Attorneys for Defendant
ABBOTT LABORATORIES